UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,065	08/05/2003	Dennis Joseph Coyle	121689-1	1316

6147 7590 06/21/2006

GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

EXAMINER	
EASHOO, MARK	

ART UNIT	PAPER NUMBER
1732	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/635,065	COYLE, DENNIS JOSEPH	
	Examiner	Art Unit	
	Mark Eashoo, Ph.D.	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) *9-22* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2 and 6- 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bramhall (US Pat. 4,323,533) in view of Mittman (US Pat. 3,176,058).

Regarding claims 1-2 and 6-7: Bramhall teaches the claimed process of embossing a film, comprising: heating a resin and forming a flowable melt (Fig. 1); directing a flowable melt to a first nip (Fig. 1); directing the flowable melt into the first nip by extruding a flowable melt from an extruder (Fig.1, elements 12, 14); cooling an embossed film (4:3-10); and a thermoplastic resin (1:55-2:15).

It is submitted that it is implicit of Bramhall that a least some degree of biasing the flowable melt into the nip toward the embossing roll is present because a pool/bank of resin is formed in Bramhall (Fig. 1, element 63).

Bramhall does not teach embossing a first side of a flowable melt and cooling a second side of a flowable melt to form an embossed film. It is noted that Bramhall does teach that the various rolls forming the nip may be controlled to different temperatures when necessary (3:55-4:2). Mittman teaches embossing a first side of a flowable melt and cooling a second side of a flowable melt to form an embossed film (Fig. 2). Mittman and Bramhall are combinable because they are from the same field of endeavor, namely, forming embossed sheet products. At the time of invention a person of ordinary skill in the art would have found it obvious to have embossed a first side of a flowable melt while cooling a second side thereof, as taught by Mittman, in the process of Bramhall, and would have been motivated to do so because Mittman suggests that the temperature differential aids in embossing because the non-embossed surface is maintained strong than the surface being embossed (3:70-75).

Regarding claim 8: Bramhall does not teach exposing an embossed film to a vibrating sonic welding head. Nonetheless, Official notice is given that joining to films and/or attaching a thermoplastic profile to a film is well known in the molding art. At the time of invention a person of ordinary skill in the art would have found it obvious to have exposed an embossed film to a vibrating sonic welding head, as commonly practiced in the art, in the process of Bramhall, and would have been motivated to do so in order to form a bag with sealed edges or with a closing profile attached thereto for commercial sale (ie. economic benefit).

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being rendered obvious by Bramhall (US Pat. 4,323,533) in view of Mittman (US Pat. 3,176,058) as set forth above, regarding claims 1-2 and 6- 8, and further in view of Pricone et al. (US Pat. 4,'486,363)

Bramhall teaches the basic claimed process of forming a fastener as set forth above.

Regarding claims 3-5: Bramhall does not teach embossing a first side of a flowable melt at a temperature above the glass transition temperature of the melt resin and a second side of a flowable melt at a temperature below the glass transition temperature of the melt resin. However, Pricone et al. teaches embossing a first side of a flowable melt at a temperature above the glass transition temperature of the melt resin and a second side of a flowable melt at a temperature below the glass transition temperature of the melt resin (2:65-3:25). Pricone et al. and Bramhall are combinable because they are from the same field of endeavor, namely, forming embossed sheet products. At the time of invention a person of ordinary skill in the art would have found it obvious to have embossed a first side of a flowable melt at a temperature above the glass transition temperature of the melt resin and a second side of a flowable melt at a temperature below the glass transition temperature of the melt resin, as taught by Pricone et a1., in the process of Bramhall, and would have been motivated to do so because Mittman suggests that the temperature differential aids in embossing because the non-embossed surface is maintained strong than the surface being embossed (3:70-75). Although Mittman and Pricone et al. do not specifically state how far above or below the process temperatures must be relative to the glass transition temperature, it is submitted that an ordinary skilled artisan would find it obvious to determine the appropriate processing temperature through routine experimentation and optimization.

Response to Arguments

Applicant's arguments filed 10-APR-2006 have been fully considered but they are not persuasive, because:

A.) In response to applicant's argument that Mittmann does not teach or suggest embossing of a flowable melt, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Specifically, the art rejection clearly states that Bramhall teaches a flowable melt and that the nip rolls may be controlled to different temperatures when necessary. Mittman essentially teaches that the different temperatures, hot and cold side, are desired and aids in embossing, thereby providing both motivation and a reasonable expectation of success to the operation of Bramhall's nip rolls at different temperatures.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo, Ph.D. whose telephone number is (571) 272-1197. The examiner can normally be reached on 7am-3pm EST, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Eashoo, Ph.D.
Primary Examiner
Art Unit 1732

June 13, 2006
me

13/Jun/06